



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

## (1) First and Final Account of Personal Representatives, (2) Petition for Its Settlement and for (3) Final Distribution of After-Discovered Assets of the Estate

<b>DOD: 12/20/03</b>		<p><b>GREGORY ROBERTS</b>, attorney for <b>MARSHALL SINGH DHILLON</b> and <b>MANPREET SINGH DHILLON</b>, personal representatives, is Petitioner.</p> <p><b>Petitioner states</b> that he has been unable to obtain any response from or cooperation of the Personal Representatives in effecting the closing of the estate, and consequently, has filed this Petition as an interested party pursuant to Probate Code § 11600 in order to facilitate the closing of the estate.</p> <p>Accounting period: <b>12/20/03 – 02/28/14</b></p> <table> <tr> <td>Accounting</td> <td>-</td> <td><b>\$105,502.73</b></td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td><b>\$105,502.73</b></td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td><b>\$0.00</b></td> </tr> </table> <p>Administrators - <b>waived</b></p> <p>Attorney - <b>waived</b></p> <p>Costs - <b>\$1,049.44</b> (total costs 1,552.17 less funds in the estate in the amount of \$502.73 applied toward the costs)(for filing fees, certified copies, publication, probate referee)</p> <p><b>Petitioner states</b> that he has agreed to allow the estate to close without the payment of these costs (which have been advanced by his office), provided that if any additional assets of the estate are later discovered, such costs shall be paid from such after discovered assets.</p> <p><b>Petitioner states</b> that the real property asset of the estate was lost to foreclosure due to the estate not having assets to pay the mortgage and attempts to find a buyer were unsuccessful. The foreclosure represents a loss of \$105,000.00 to the estate.</p> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>1. The administration be brought to a close;</li> <li>2. The first and final account be settled, allowed and approved and settled as filed;</li> <li>3. All acts and proceedings of the Personal Representatives be confirmed and approved;</li> <li>4. Distribution of any assets of the decedent or estate that now known or discovered be made to the persons entitled to it as set forth.</li> </ol>	Accounting	-	<b>\$105,502.73</b>	Beginning POH	-	<b>\$105,502.73</b>	Ending POH	-	<b>\$0.00</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Notes:</b> Pursuant to decedent's will, the only heirs of the estate are Marshall Singh Dhillon and Manpreet Singh Dhillon (aka Matthew Manprit Dhillon)</p> <p>The Petition is verified by attorney Gregory Roberts but not by the Personal Representatives.</p>
Accounting	-		<b>\$105,502.73</b>									
Beginning POH	-		<b>\$105,502.73</b>									
Ending POH	-		<b>\$0.00</b>									
<b>Cont. from</b>												
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>											
<input checked="" type="checkbox"/>	<b>Verified</b>											
<input checked="" type="checkbox"/>	<b>Inventory</b>											
<input checked="" type="checkbox"/>	<b>PTC</b>											
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>											
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>											
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/											
<input type="checkbox"/>	<b>Aff.Pub.</b>											
<input type="checkbox"/>	<b>Sp.Ntc.</b>											
<input type="checkbox"/>	<b>Pers.Serv.</b>											
<input type="checkbox"/>	<b>Conf. Screen</b>											
<input type="checkbox"/>	<b>Letters</b>											
<input type="checkbox"/>	<b>Duties/Supp</b>											
<input type="checkbox"/>	<b>Objections</b>											
<input type="checkbox"/>	<b>Video Receipt</b>											
<input type="checkbox"/>	<b>CI Report</b>											
<input checked="" type="checkbox"/>	<b>9202</b>											
<input type="checkbox"/>	<b>Order</b>											
<input type="checkbox"/>	<b>Aff. Posting</b>											
<input type="checkbox"/>	<b>Status Rpt</b>											
<input type="checkbox"/>	<b>UCCJEA</b>											
<input type="checkbox"/>	<b>Citation</b>											
<input checked="" type="checkbox"/>	<b>FTB Notice</b>											

Reviewed by: JF

Reviewed on: 04/11/14

Updates:

Recommendation:

File 2 – Dhillon

Atty

Walters, Jennifer L. (for Lana Pratt – guardian)

Atty

Ruiz, Richard A. (for Angelina Collins – Petitioner – Mother)

## Petition for Termination of Guardianship

Nathaniel, 3		ANGELINA COLLINS, mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Malichi, 2			
		LANA PRATT, maternal grandmother, was appointed guardian on 11/26/12. – <i>Personally served on 12/28/12</i>	1. Need Notice of Hearing.
Cont. from		Father: <b>NATHANIEL COMENGER</b> , consents and waives notice	2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Declaration of Due Diligence <u>or</u> Consent & Waiver of Notice for:
	Aff.Sub.Wit.		
✓	Verified	Paternal grandparents: NOT LISTED	<ul style="list-style-type: none"> <li>- Paternal grandparents (not listed)</li> <li>- Kurt Ricardo (maternal grandfather)</li> </ul>
	Inventory		
	PTC	Maternal grandfather: KURT RICARDO	3. Need Order.
	Not.Cred.		
	Notice of Hrg	<b>Petitioner states:</b> it has been almost 15 months since the guardianship of her boys was granted. She was very upset about her children being taken away and reacted with hatred and anger. She states she wants to be a better mother for her children and has therefore been attending counseling, she voluntarily enrolled in a parenting class, is seeking employment and has also moved into a better neighborhood. She states that the father of the children was also attending the parenting classes with her. The mother states that she and the father are residing together and plan on being together permanently.	
	Aff.Mail		
	Aff.Pub.	Petitioner respectfully requests that Court grant her petition for termination of the guardianship. She knows that she can provide for her children. It would be in their best interest to be with their mother and father. She states she will ensure that they receive proper medical attention, ensure their hygiene is kept up, that they have a clean home to come to and a room and bed of their own.	
	Sp.Ntc.		
	Pers.Serv.	Court Investigator Dina Calvillo's report filed 04/09/2014.	
	Conf. Screen		
	Letters	<b>Reviewed by:</b> LV <b>Reviewed on:</b> 04/11/2014 <b>Updates:</b> <b>Recommendation:</b> <b>File 3 – Collins</b>	
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

(1) Petition for Final Distribution on Waiver of Accounting and (2) Allowing  
Statutory Attorneys Fees

<b>DOD: 10/05/11</b>		<b>JOSEPH COMMINS</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
<b>Cont. from</b>		I & A - \$150,000.00	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH - \$150,000.00	
<input checked="" type="checkbox"/>	<b>Verified</b>	Administrator - waived	
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney - \$5,500.00 (statutory) (to be paid outside of the estate pursuant to Distribution Agreement filed herein)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/o	
<input type="checkbox"/>	<b>Aff.Pub.</b>	<b>Petitioner states</b> that pursuant to the distribution agreement filed 02/19/14, the heir currently operating decedent's thrift store (currently Jimmy Commins) shall pay the sum of \$500.00/month to Gary Huss for the statutory attorney's fees until paid in full. In the event of a default in the payment of \$500/mo. to Gary Huss, the parties agree that the real property located at 743 Almond Drive in Clovis shall be distributed to the heirs subject to a lien in favor of Gary Huss for the then unpaid balance of legal fees, plus interest thereon on the unpaid balance of 10% simple interest per annum.	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	10/01/12	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>	<b>Distribution, pursuant to intestate succession, assignment of interest of Tom Commins and subject to the distribution agreement, is to:</b>	
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>	Jimmy Commins, Joseph Commins, Paul Commins and Mark Commins each a 25% interest in real property and 25% interest in thrift store fixtures and equipment currently being used in operation of Emerald Thrift Store, subject to the terms of the Distribution Agreement filed on 02/19/14.	

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 04/11/14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 4 – Commins</b>

## Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 2-16-09		<b>GREGORY L. TAYLOR</b> , Administrator with Will Annexed with Limited IAEA without bond, is Petitioner.  Sale price: \$153,000.00 Overbid: \$161,150.00  Property: 1677 Gettysburg Ave., Clovis, CA, 93611  Reappraisal: Need reappraisal  Publication: Fresno Business Journal  Buyers: John Sobaje and Kristen Sobaje, husband and wife, as joint tenants  Broker: \$9,180.00 to be split \$4,590.00 to Prudential California Realty, Rob Sparks, Broker, and \$4,590.00 to Guarantee Real Estate  Petitioner does not provide additional details regarding the terms of the sale or bond or blocked account for proceeds.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need reappraisal pursuant to Probate Code §10309.  2. Need Notice of Hearing and proof of Notice of Hearing on all interested persons pursuant to Probate Code §103008 <u>including the purchasers</u> at least 15 days prior to the hearing.  <u>Note:</u> Petitioner filed a “proof of service” in pleading form; however, the Notice of Hearing is a <u>mandatory</u> Judicial Council form, and it does not appear that the purchasers were included in the service.  <u>Note:</u> The Court may require bond or blocked account for the proceeds. If granted, the Court will set a status hearing for the filing of the bond or receipt for blocked account as follows: • Friday 6-6-14	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory (Reappraisal)			X
	PTC			
	Not.Cred.			
	Notice of Hrg			X
✓	Aff.Mail			
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters	2-3-14		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
✓	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: skc
Reviewed on: 4-11-14
Updates:
Recommendation:
File 5 – Taylor

		<b>CECILIA RODRIGUEZ</b> , Mother and Guardian of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Petitioner states</b> that prior to her husband's death, he was the main provider for the family, and she worked only seasonally in field work and otherwise cared for the children.	<u>Cont. from 11-20-13, 12-6-13, 1-21-14, 3-18-14</u>
		The following expenses are incurred monthly for the support and/or maintenance and/or education of the minor Christopher:	<b>Minute Order 11-20-13:</b> Matter continued to 12-6-13. Counsel is to be prepared to discuss at the next hearing the issue as to whether there is a similar account for Christina.
		<ul style="list-style-type: none"> <li>Rent: \$300.00</li> <li>Food and household supplies: \$376.00</li> <li>Utilities and telephone: \$50.00</li> <li>Clothing: \$25.00</li> <li>Child care: \$600.00 (party for Chrystina)</li> <li>Transportation (gas, insurance, and rent on vehicle): \$620.00</li> </ul>	<b>Note:</b> On 4-9-14, the receipt was filed showing \$40,000.00 deposited to a blocked account for the guardianship estate.
		Petitioner states she, Christopher, and Chrystina currently live with Petitioner's mother. However, this is only a short term operation and Petitioner needs to find an apartment where she, Christopher, and Chrystina can live alone. This would be in Christopher's best interest.	1. Ms. Rodriguez was granted a fee waiver in connection with the original petition; however, since funds have been received, fees will be due to the court.
		Petitioner currently works at DFA of California and has to borrow a vehicle to get to work Monday through Friday 6am to 3pm earning \$9.50/hr. This is seasonal work expected to last until November 2013. Petitioner needs to purchase a vehicle so she can provide proper transportation to school, doctor, grocery, etc., for the benefit of Christopher.	Therefore, need filing fees of \$870.00 (\$435 for filing of the original petition and \$435 for filing of this petition).
		Petitioner states she is enrolled at Reedley College and will be starting classes in October 2013 for a certificate in business administrative assistant, which will take 12 months if she continues to attend part time.	
		<b>Petitioner requests authority authorizing her to withdraw \$1,000.00 per month from the blocked account without further court order, to be expended for the comfortable and suitable support and/or maintenance and/or education of Christopher Rodriguez until further order of the Court or as the Court may deem proper.</b>	
<b>Cont. from 112013, 120613, 012114, 031814</b>			
	<b>Aff.Sub.Wit.</b>		
	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>	X	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 4-11-14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 6A – Rodriguez</b>

		<p><b>CECILIA RODRIGUEZ</b>, mother, was appointed Guardian of the Estate with funds to be placed in a blocked account on 10/29/13.</p> <p><b>Minute Order from 10/29/13</b> set this matter for status regarding filing of the Inventory &amp; Appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Inventory &amp; Appraisal and/or Status Report.</p>
<b>Cont. from 032814</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<div>Reviewed by: JF</div> <div>Reviewed on: 4-11-14 (skc)</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 6C – Rodriguez</div>	

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob.  
 C. 8002, 10450)

<b>DOD: 09/16/2013</b>	<b>CRAIG GAMMEL</b> , nephew is petitioner and request appointment as Administrator with bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Confidential Supplement to Duties & Liabilities of Personal Representative. Mandatory Judicial Council form DE-147S.  2. Need date of death of Walter Ralph Gammel, brother of decedent, Pursuant to Local Rule 7.1.1D.  <u>Note:</u> If the petition is granted status hearings will be set as follows:  • <b>Friday, 07/25/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u>  • <b>Friday, 04/24/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.  <b>Reviewed by:</b> LV <b>Reviewed on:</b> 04/11/2014 <b>Updates:</b> <b>Recommendation:</b> <b>File 7 – Gammel</b>
<b>Cont. from 022514</b>	Receipt of Bond in the amount of \$270,000.00 was filed 02/07/2014	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Full IAEA – o.k.	
<input type="checkbox"/> <b>Inventory</b>	Decedent died intestate	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Residence: Kerman Publication: The Kerman News	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		



**Petition for Letters of Administration; Authorization to  
Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 11-10-13</b>		<b>ERNEST and CHRISTINE ESCOBEDO</b> , parents, are Petitioners and request appointment as Co-Administrators with Limited IAEA with bond of \$12,500.00.  IAEA: Need publication  Decedent died intestate  Residence: Kerman, CA Publication: Need publication  Estimated value of estate: Personal property: \$12,501.00  Probate Referee: Steven Diebert	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 3-4-14</b>  As of 4-11-14, nothing further has been filed by Petitioners in this matter. The following issues remain:  1. <b>Need Notice of Petition to Administer  Estate.</b>  2. <b>Need proof of service of Notice of  Petition to Administer Estate on  relatives listed at #8 at least 15 days  prior to the hearing per Probate  Code §8110.</b>  3. <b>Need publication pursuant to  Probate Code §8120 and Local Rule  7.9.</b>  <u>Note:</u> If granted, the Court will set status hearings as follows:  <ul style="list-style-type: none"> <li>Friday 6-6-14 for filing proof of bond</li> <li>Friday 8-29-14 for filing of the  Inventory and Appraisal</li> <li>Friday 8-28-15 for filing the first  account or petition for final  distribution.</li> </ul> If the appropriate documentation is on file prior to the status dates pursuant to local rules, the status dates may be taken off calendar.				
<b>Cont. from 030414</b>							
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>						
<input checked="" type="checkbox"/>	<b>Verified</b>						
<input type="checkbox"/>	<b>Inventory</b>						
<input type="checkbox"/>	<b>PTC</b>						
<input type="checkbox"/>	<b>Not.Cred.</b>						
<input type="checkbox"/>	<b>Notice of Hrg</b>						
<input type="checkbox"/>	<b>Aff.Mail</b>						
<input type="checkbox"/>	<b>Aff.Pub.</b>						
<input type="checkbox"/>	<b>Sp.Ntc.</b>						
<input type="checkbox"/>	<b>Pers.Serv.</b>						
<input type="checkbox"/>	<b>Conf. Screen</b>						
<input checked="" type="checkbox"/>	<b>Letters</b>						
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>						
<input type="checkbox"/>	<b>Objections</b>						
<input type="checkbox"/>	<b>Video Receipt</b>						
<input type="checkbox"/>	<b>CI Report</b>						
<input type="checkbox"/>	<b>9202</b>						
<input checked="" type="checkbox"/>	<b>Order</b>						
<input type="checkbox"/>	<b>Aff. Posting</b>						
<input type="checkbox"/>	<b>Status Rpt</b>						
<input type="checkbox"/>	<b>UCCJEA</b>						
<input type="checkbox"/>	<b>Citation</b>						
<input type="checkbox"/>	<b>FTB Notice</b>						
<table border="1"> <tr> <td><b>Reviewed by:</b> skc</td> </tr> <tr> <td><b>Reviewed on:</b> 4-11-14</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 8 – Escobedo</b></td> </tr> </table>			<b>Reviewed by:</b> skc	<b>Reviewed on:</b> 4-11-14	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 8 – Escobedo</b>
<b>Reviewed by:</b> skc							
<b>Reviewed on:</b> 4-11-14							
<b>Updates:</b>							
<b>Recommendation:</b>							
<b>File 8 – Escobedo</b>							

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 01/23/2014</b>		
<b>Cont. from</b>		
	Aff.Sub.Wit.	s/p
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

**DEBORAH FOULGER**, spouse/named executor without bond, is petitioner.

Full IAEA – o.k.

Will dated: 12/17/2012

Residence: Fresno  
Publication: The Business Journal

**Estimated Value of the Estate:**  
**Personal property      -            \$400,000.00**

Probate Referee: Rick Smith

**NEEDS/PROBLEMS/COMMENTS:**

Note: If the petition is granted status hearings will be set as follows:

- Friday, 09/19/2014 at 9:00a.m.  
in Dept. 303 for the filing of the inventory and appraisal and
- Friday, 06/19/2015 at 9:00a.m.  
in Dept. 303 for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 04/14/2014
<b>Updates:</b>
<b>Recommendation:</b> Submitted
<b>File 9 – Foulger</b>

**Petition to Establish Fact of Marriage**

<b>Richard Yegan</b>		<b>MARCIA RENEE CREW</b> is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOD: 10-22-13</b>			
		Petitioner states she and <b>RICHARD YEGAN</b> were married on 12-31-99 in Fresno, California, but there is no official record of the fact, date, and place of marriage. Richard Yegan passed away on 10-22-13. Therefore, Petitioner seeks a Court Order Establishing Fact of Marriage pursuant to Health and Safety Code §§ 103450-103490.	Continued from 4-11-14  See additional page
<b>Cont. from 040814</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<p>Declaration in Support of Petition states the ceremony on 12-31-99 was performed by Sheriff's Dept. Chaplain Doug Lanier and witnessed by Catherine Rogers. Prior to his death, Richard created an estate plan naming his wife, Marcia Crew, as sole beneficiary of his estate (trust and will dated 8-20-13 attached). Because of the trust, no administration of his estate will be required. However, Petitioner needs to establish that they were legally married in order to obtain Social Security death benefits as Richard's Surviving Spouse.</p> <p>Declaration of Doug Lanier states on 12-31-99 he officiated the marriage of Richard Yegan and Marcia Crew.</p> <p>Declaration of Catherine Rogers states on 12-31-99, she witnessed the marriage of Richard Yegan and Marcia Crew.</p>	
<input checked="" type="checkbox"/>	<b>Verified</b>		
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<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
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<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

## Page 2

**Prior Examiner Notes noted the following issue:**

1. Petitioner does not state why there is no official record of the marriage. Was a valid marriage license obtained and recorded? If not, why not?

Health and Safety Code § 103150 states: Each marriage that is performed shall be registered by the person performing the ceremony as provided by Chapter 2 (commencing with Section 420) of Part 3 of Division 3 of the Family Code.

Family Code §§ 420 et seq., states that before solemnizing a marriage, the officiant shall require the presentation of the marriage license, and that upon solemnizing the marriage, the officiant shall return the endorsed marriage license to the county recorder within 10 days after the ceremony.

Family Code § 425 allows up to one year to obtain a license via declaration from the county clerk if the above procedure was not followed.

Neither the petition nor the officiant's declaration contain any information about why a license was not obtained and recorded at the time of the marriage.

If a valid license was not obtained, need authority for Court order establishing fact of marriage.

**Petitioner filed a Declaration on 4-11-14 that states** she and the decedent were married on 12-31-99 and the ceremony was officiated by the Sheriff's Department Chaplain Doug Lanier. Since that time until recently she believed they had completed all the necessary steps to become legally married in California. After the ceremony, they held themselves out as married to the public and they believed they were legally married. Upon applying for social security benefits following Richard's death, she became aware of the need for a marriage certificate and contacted Mr. Lanier for assistance and learned that they should have obtained an official certificate from the State of California at the time of the marriage. She does not recall him telling her that requirement at the time they were married, and all this time she believed they were validly married. On the day of the marriage, a certificate was signed (attached) by Mr. Lanier and additional witnesses. Petitioner believed this was her marriage certificate and only recently learned that it is only a ceremonial record of the event. Note that the date on that certificate is incorrectly listed as 12-31-00 – the marriage actually took place on 12-31-99, the last day of the millennium.

Petitioner is informed by her attorney that Family Code § 425 provided a year to obtain license via declaration; however, they did not avail themselves of this procedure and it is no longer available.

H&S Code § 103450 provides that a verified petition may be filed by any interested person with the clerk of the superior court in the county in which the person was domiciled at the date of death to judicially establish the fact and the time and place of a marriage that is not registered or for which a certified copy is not obtainable. Nothing in this section imposes a requirement that Petitioner had even attempted to obtain a marriage certificate previously. Indeed, this section states simply and clearly that where a marriage is not registered, the court may nonetheless enter an order establishing fact of marriage. Petitioner respectfully requests that the Court enter an order under H&S Code § 103450 to establish the fact that Petitioner and the Decedent were married on 12-31-99.

**Status Hearing Re: Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Age: 17</b>	<b>RONALD MANLEY</b> and <b>KAREN MANLEY</b> , Paternal Uncle and Aunt, Petitioned to be appointed guardians of Noah on 09/12/13.  <b>LESLIE SMITH</b> , mother, objected to the Petition.  At a hearing on 12/19/13, the parties requested that the matter be set for a settlement conference.  A settlement conference was held on 01/30/14. Minute Order from hearing on 01/30/14 set this matter for a status hearing on 04/15/14  <b>Notice in Lieu of Subpoena and Subpoena Duces Tecum</b> filed 03/13/14 by Leslie Smith requests that various documents be produced.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
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<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
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<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
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<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 04/11/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 – Manley</b>

		<p><b>RICHARD ROSS filed Second Amended Complaint for Breach of Fiduciary Duty and FRAUD</b> [emphasis in original] on 2-4-10.</p> <p><b>SUSAN ROSS ALLEY filed Answer to Plaintiff's Second Amended Complaint</b> on 3-22-10.</p> <p><b>On 9-2-10, Richard Ross</b> filed a Notice of Motion to Compel Further Responses to Discovery Requests. On 12-16-10, Judge Kazanjian granted that motion and ordered Ms. Alley to provide further responses and pay \$905 sanctions.</p> <p><b>On 3-26-12, RICK ROSS and RICHARD ROSS opened a new case 12CEPR00278</b> and filed a new Petition to Compel Accounting, Surcharge and Remove Trustee. The matter was continued, and on 6-5-12, an Amended Petition was filed.</p> <p><b>On 7-5-12, the matter was set for trial on 2-5-13, which was continued to 2-19-13.</b></p> <p><b>On 2-14-13, the parties reached settlement and were ordered to file agreement. However, at status hearing on 4-5-13, no agreement had been filed, and the Court continued the matter and also set this outstanding matter 09CEPR00285 for status hearing on the Second Amended Complaint that has been outstanding since 2010.</b></p> <p><b>Minute Order from 02/13/14 states:</b> Parties engage in settlement discussions with the Court. Matter resolved. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. Court to retain jurisdiction. Counsel to prepare the agreement.</p> <p><b>Minute Order dated 4/8/14 states</b> parties engage in settlement discussions with the Court. Matter not settled.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>As of 4/14/14, nothing further has been filed in this matter.</u></p> <p><b>Note:</b> There are numerous cases regarding this decedent and his testamentary trusts involving these parties:</p> <ul style="list-style-type: none"> <li>• <b>0557330-8 Estate of Earl Jackson Ross</b> (Estate settled 9-29-97; Created testamentary trusts: Earl J. Ross Marital and Earl J. Ross Family Trusts)</li> <li>• <b>04CEPR00370 Earl Jackson Ross Trust</b> Affirmed on appeal 4-12-10. (Examiner has not reviewed that file at this time to determine what the judgment was that was affirmed.)</li> <li>• <b>05CECG01626 Rick Ross vs. Susan Alley</b> (dismissed, dismissal affirmed on appeal 7-18-07)</li> <li>• <b>08CECG02515 Richard Ross vs. Susan Alley</b> Contained two causes of action and a <u>prayer to reopen the original probate</u>, and for damages and costs. Specifically, Plaintiff sought to determine ownership of the <u>Idaho property</u> where he resided with Decedent, alleging it was fraudulently transferred to Ms. Alley in 1994. An Amended Complaint was filed 8-17-09. A Demurrer was filed and it was ruled to transfer the case to Probate as <b>09CEPR00285 Matter of Earl Jackson Ross.</b></li> <li>• <b>09CEPR00285 Matter of Earl Jackson Ross</b> 1-25-10 Judge Kazanjian signed an order on the Demurrer overruling the first cause of action (extrinsic fraud) and sustaining the second cause of action (breach of fiduciary duty) with leave to amend. Second Amended Complaint was filed 2-4-10; Answer filed 3-22-10. Richard Ross filed Notice of Motion to Compel Further Responses to Discovery Requests on 9-2-10; granted 12-16-10 with \$905 sanctions.</li> <li>• <b>12CEPR00278 Earl J. Ross Marital and Earl J. Ross Family Trust</b> (Rick Ross, Richard Ross, Petitioners, v. Susan Clarke Ross Alley)</li> </ul>
Cont. from			
Aff.Sub.Wit.			
Verified			
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Notice of Hrg			
Aff.Mail			
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Sp.Ntc.			
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Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 4/14/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12 – Ross</b></p>	

Status Hearing Re: Filing of Receipt of Funds in Blocked Account

		ERICA DORFMEIER is Administrator.	NEEDS/PROBLEMS/COMMENTS:
		On 12/19/2013 the First and Final Account of Administrator was approved.	
		The Order allowed for Distribution of \$513,488.89 cash to be placed into a blocked account for the minor beneficiary Jordan O'Neal (age 16).	<b>OFF CALENDAR.</b> Receipts filed on 3/24/14.
Cont. from 011714, 021814, 031814			
	Aff.Sub.Wit.		
	Verified		
	Inventory	This status hearing was set for the filing of a receipt for blocked account.	
	PTC		
	Not.Cred.	Receipt for Blocked Account filed on 1/7/14.	
	Notice of Hrg	The Receipt for Blocked Account shows that \$513,488.89 was deposited at Wells Fargo. This amount exceeds the amount that is federally insured.	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.	An Ex Parte Order to make Interbank Transfer of Funds from Blocked Account was filed on 2/5/14 ordering Wells Fargo to transfer \$239,082.00 into a blocked account at Chase Bank and to transfer \$239,082.00 from Wells Fargo into a blocked account at Fresno County Federal Credit Union.	
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections	<b>Receipt for Blocked Account filed on 3/12/14</b> showing deposits of \$239,082.00 deposited at Fresno County Federal Credit Union.	
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 4/14/14
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 13 – O'Neal

Status Hearing Re: Filing of Receipt of Funds in Blocked Account

		ERICA DORFMEIER is Administrator.	NEEDS/PROBLEMS/COMMENTS:
		On 12/19/2013 the First and Final Account of Administrator was approved.	
		The Order allowed for Distribution of \$202,676.24 cash to be placed into a blocked account for the minor beneficiary Jordan O'Neal (age 16).	<b>OFF CALENDAR.</b> Receipts filed on 3/24/14.
Cont. from 011714, 021814, 031814			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 4/14/14
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 14 – O'Neal



<b>Age: 18 years</b>  <b>Cont. from</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 100px;">Aff.Sub.Wit.</td><td style="width: 50px;"></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<p><b>PUBLIC GUARDIAN</b> was appointed Successor Guardian on 7/31/14.</p> <p>Minute order from 7/31/14 set this status hearing for the filing of the final account.</p> <p><b>Background: JULIE FULCHER</b>, Mother, was appointed Guardian of the Estate of Matthew Fulcher on 6-9-11 without bond, with \$240,000.00 in blocked account.</p> <p>I&amp;A Partial No. 1 filed 7-20-12 reflected \$121,103.77, which was in a blocked account (receipt filed 2-16-12).</p> <p>First Account filed 7-20-12 and settled on 9-18-12 indicated that the ward is still anticipated to receive distribution from his father's probate estate; however, because he resides in the primary asset, it is anticipated that a petition for instructions will be filed in that action regarding payment of creditors without sale of the home.</p> <p>On 7/31/14 the court heard a Petition to Be Relieved as Counsel filed by Marcus Magness (former attorney for Julie Fulcher). The Court granted Mr. Magness's request to be relieved as counsel and on its own motion removed Julie Fulcher has guardian of the estate and appointed the Public Guardian.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need <b>final account <u>or</u> current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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		<b>Reviewed by:</b> KT <b>Reviewed on:</b> 4/14/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 15 – Fulcher</b>																																														

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

<b>DOD: 4-4-12</b>		<p><b>LOUIS WAYNE WIEBE</b>, Son, was appointed Executor with Full IAEA without bond and Letters issued on 6-25-12.</p> <p>On 6-25-13, the Court set this status hearing for the filing of the first account or petition for final distribution.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
			<b><u>Continued from 8-23-13, 10-11-13, 12-13-13, 2-14-14</u></b>	
<b>Cont from 082313, 101113, 121313, 021414</b>			<b><u>Minute Order 8-23-13: No appearances.</u></b> Matter continued to 10/11/13. Jeffrey Simonian is ordered to be personally present on 10/11/13 if the first account and petition for final distribution have not been filed.	
<b>Aff.Sub.Wit.</b>			<b><u>Minute Order 10-11-13: No appearances.</u></b> The Court sets the matter for an Order to Show Cause on 12-13-13 regarding Jeffrey Simonian's failure to appear and imposition of sanctions in the amount of \$500.00. Jeffrey Simonian and Louis Wiebe are ordered to be personally present on 12-13-13. Continued to 12-13-13. OSC set on 12-13-13.	
<b>Verified</b>			<b><u>Minute Order 12-13-13:</u></b> Counsel informs the Court that the estate has sold the real property and is disposing of the vehicles. The Order to Show Cause is dismissed.	
<b>Inventory</b>			<b><u>Minute Order 2-14-13:</u></b> Continued to 4-15-14.	
<b>PTC</b>			<b><u>As of 4-11-14, nothing further has been filed.</u></b>	
<b>Not.Cred.</b>			<b><u>Note:</u></b> I&A filed 11-27-12 indicates a total estate value of \$208,915.73 consisting of cash and various real and personal property.	
<b>Notice of Hrg</b>			<b><u>Note:</u></b> There are four (4) separate creditor's claims filed in this estate.	
<b>Aff.Mail</b>			<ol style="list-style-type: none"> <li>1. Need first account or petition for final distribution or written status report per local rules.</li> <li>2. Need proof of service of Notice of Hearing on Wells Fargo Card Services per Request for Special Notice filed 6-5-12.</li> </ol>	
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<b>CI Report</b>				
<b>9202</b>				
<b>Order</b>				
<b>Aff. Posting</b>			<b>Reviewed by:</b> skc	
<b>Status Rpt</b>			<b>Reviewed on:</b> 4-11-14	
<b>UCCJEA</b>			<b>Updates:</b>	
<b>Citation</b>			<b>Recommendation:</b>	
<b>FTB Notice</b>			<b>File 16 – Wiebe</b>	

Amended First Account and Report of Conservators; Petition for Allowance of  
 Fees to Attorney for Conservators

Age: 41 years DOB: 1/26/1973		<b>MANUEL CHAVEZ</b> , father, and <b>SUSAN CHAVEZ-LEON</b> , sister, Co-Conservators of the Person and Estate, are Petitioners.		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<u>Account period: 12/19/12 - 11/30/13</u>		<b>Need Second Amended First Account based on, but not limited to, the following:</b>	
Cont. from		Accounting - <b>\$309,801.00</b>		1. Inventory and Appraisal filed on 3/7/13 includes estimated income from EED totaling \$52,594.00. Estimated income should not be listed on the inventory and appraisal. Need amended Inventory and appraisal.  2. Summary of Account states the property on hand at the beginning of the account period is \$241,633.00. However, beginning property on hand should be the same amount as the value stated on the <i>Final Inventory and Appraisal</i> , once the amended Inventory and appraisal is filed. (Note: If the EED funds are not included the beginning property on hand would be \$240,534.00 and not \$241,633.00 as listed in the summary of account.)	
Aff.Sub.Wit.		Beginning POH - <b>\$241,633.00</b>			
✓ Verified		Ending POH - <b>\$230,127.00</b> (\$8,127.00 is cash)			
Inventory		Conservator - <b>not requested</b>			
PTC		Attorney - <b>\$6,625.00</b> (per declaration and itemization, for 25.00 hours (reduced from 36.90 hours) @ \$265.00 per hour;)			
Not.Cred.		Costs - <b>\$1,035.00</b> (filing fees, process service fee; certified copies)			
✓ Notice of Hrg		Bond - <b>\$201,850.00</b> (sufficient)			
✓ Aff.Mail W/		<b>Petitioner prays for an order:</b>			
Aff.Pub.		1. Approving, allowing, and settling the [First] Account and acts of Co-Conservators; and			
Sp.Ntc.		2. Authorizing the Attorney fees and costs advanced to the Conservatorship during the accounting period; and			
Pers.Serv.		3. Finding that the Conservatee is not able to complete an affidavit of voter registration and is not entitled to vote.			
Conf. Screen		<b>Court Investigator Charlotte Bien's Report filed 9/10/2013 recommends the conservatorship continue as is.</b>			
Letters					
Duties/Supp					
Objections					
Video Receipt					
CI Report					
2620 X					
✓ Order					
Aff. Posting					
Status Rpt					
UCCJEA					
Citation					
FTB Notice					

3. *Schedule C, Disbursements*, contains entry on 6/15/2013 for attorney's fees of **\$5,971.00** to Lance Armo for costs of suit against **HOLLY BILLINGS** for default on loan. Court may require further information regarding the nature and character of the loan, and justification for these attorney's fees having been paid from the Conservatorship estate in contravention of Probate Code § 2647, which provides that no attorney fees may be paid from the estate of the Conservatee without prior Court order. The estate of the Conservatee is not obligated to pay attorney fees established by any engagement agreement or other contract until it has been approved by the Court. *[Note: Schedule A, Receipts shows entry dated 6/15/2013 for receipt of **\$9,168.00** in proceeds from collection of judgment against Holly Billings for loan default, resulting in receipt of **\$3,197.00**.]*
4. Petition asks for attorney fees totaling **\$6,625.00** however the Declaration of Attorney filed on 3/7/14 requests fees totaling **\$7,420.00**. The proposed order awards attorney fees at **\$7,420.00**. Need clarification.
5. Need proof of service of the Notice of Hearing on Conservatee, **CYNTHIA CHAVEZ**. Probate Code §2621.
6. Need care facility statements for Sierra Vista Skilled Nursing Facility. Probate Code §2620(c)(5).

**Note: Court will set status hearing as follows:**

- **Friday, January 23, 2015 at 9:00 a.m. in Dept. 303 for the next accounting.**

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

	<b>BRUCE D. BICKEL</b> is Successor Trustee.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 2-7-14</b>  <b><u>Minute Order 2-7-14:</u></b> <b>No appearances. The Court directs a copy of the minute order be sent to Bruce Bickel indicating that an accounting is due.</b>  <b>As of 4-11-14, nothing further has been filed.</b>  <b>1. Need accounting or verified status report.</b>
<b>Cont. from 020714</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
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<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>PERINE &amp; DICKEN</b> resigned pursuant to Petition and Order of 2-5-13.  On 2-5-13, the Court signed the Order Settling Resigning Trustee's First and Final Account, Allowing Fees and Costs for the Resigning Trustee and its Counsel and Discharging the Resigning Trustee.  At the hearing on 2-5-13, the Court set this status hearing for the filing of the next account.		

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 4-11-14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 18 – Rodriguez</b>

Status Hearing Re: Filing of the Inventory and Appraisal

<b>DOD: 03/29/2013</b>		<b>MARK REIFF</b> was appointed Executor with full IAEA with bond set at \$120,000.00 on 07/08/2013.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <u>Final</u> Inventory and Appraisal.  <b>Note: I&amp;A Partial #2 and Partial #4 were filed 12-4-13. Therefore we need #1, #3, any other partials, and the Final I&amp;A.</b>
		Bond filed 07/08/2013	
		Letters issued on 09/13/2013.	
<b>Cont. from 120613, 021414</b>		Minute Order dated 07/08/2013 set this status hearing for the filing of the Inventory and Appraisal.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	Inventory & Appraisal Partial No. 2 filed 12/04/2013 - <b>\$5,000.00</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	Inventory & Appraisal Partial No. 4 filed 12/04/2013 - <b>\$43,500</b>	
<input type="checkbox"/>	<b>Notice of Hrg</b>	Inventory & Appraisal Partial No. 5 filed 12/16/2013 - <b>\$103,912.27</b>	
<input type="checkbox"/>	<b>Aff.Mail</b>	Inventory & Appraisal Partial No. 6 filed 02/03/2014 - <b>\$27,723.00</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>	<b>Status Report filed 04/08/2014</b> requests that the Court schedule one additional status hearing approximately 90 days from April 15, 2014.	
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>	The Executor has entered into an Exclusive listing agreement to market the residence, and the residence is on the market. The Attorneys have recommended that Partial 1 not be filed prior to marketing so as to potentially adversely affect offers for purchase. Partial 1 is expected to be filed as soon as sale of the real property has been completed. Should the sale price greatly differ from the appraised amount, Executor may request that the probate referee revise his appraisal.	
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>	The Levin & Carlson Partnership property is subject to a right of purchase by Marilyn Lungren, the decedent's partner and to a right of first refusal by Scott Raven, lessee. Accordingly, the valuation of the partnership property is a sensitive issue in the administration of the Estate, and additional time is needed to evaluate the Referee's appraisal and proceed with the administration of the partnership property.	

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 04/11/2014
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 19 - Carlson</b>

## Status Hearing Re: Distribution to Granddaughter's Trust

Bernice C. Kasabian DOD: 1-17-13	JENNIFER KAPUR, Granddaughter and beneficiary, filed a Petition to Determine Existence of Trust on 6-12-13.
Cont. from 012114, 022514	
Aff.Sub.Wit.	
Verified	
Inventory	
PTC	
Not.Cred.	
Notice of Hrg	
Aff.Mail	
Aff.Pub.	
Sp.Ntc.	
Pers.Serv.	
Conf. Screen	
Letters	
Duties/Supp	
Objections	
Video Receipt	
CI Report	
9202	
Order	
Aff. Posting	
Status Rpt	
UCCJEA	
Citation	
FTB Notice	

**Order Determining Existence of Trust**  
filed 7-30-13 orders that Dana T. Kahler provide a true and correct copy of the trust, including the operative amendments.

*Note: Proposed language ordering Dana T. Kahler to account was stricken from the order.*

**Minute Order 7-30-13:** Mr. Roberts requests a continuance to speak with Dana Kahler. The Court grants the petition and denies the request for an accounting finding that it is premature at this time. Matter is set for Status Hearing on 9/10/13. The Court orders Dana Kahler to be personally present at the next hearing. Dana Kahler is ordered to provide evidence of any notices he has given and/or other actions he has taken as trustee. In addition, Dana Kahler is ordered to file all documents with this court and provide copies to Mr. Teixeira and Mr. Roberts. Set on 9/10/13 at 9:00am in Dept. 303 for Status Hearing. Petition is granted before Court Trial. Order signed.

A copy of the minute order was mailed to Attorneys Teixeira and Roberts and to Dana Kahler on 8-5-13.

**NEEDS/PROBLEMS/COMMENTS:**

Continued from 1-21-14, 2-25-14

Minute Order 9-10-13: Mr. Roberts indicates that he will send out the notices to the beneficiaries and complete the administration.

Minute Order 10-8-13: Mr. Roberts is appearing via CourtCall. Mr. Teixeira informs the Court that one of the amendments was not signed.  
Continued to 11-5-13.

Minute Order 11-5-13: Mr. Roberts advises the Court that he has the checks for the twenty beneficiaries which will be distributed within a week at which time he can begin working on the accounting. Set on 1-21-14 for Status Re Distribution to Granddaughter's Trust and Status Re Accounting.

Minute Order 1-21-14: Mr. Roberts advises the Court that Mr. Kahler has been ill so the accounting has not been completed.

As of 4-11-14, nothing further has been filed.

**Reviewed by:** skc

**Reviewed on:** 4-11-14

**Updates:**

**Recommendation:**

**File 20A – Kasabian**

Status Hearing Re: Accounting

Bernice C. Kasabian DOD: 1-17-13		JENNIFER KAPUR, Granddaughter and beneficiary, filed a Petition to Determine Existence of Trust on 6-12-13.	NEEDS/PROBLEMS/COMMENTS:
		Order Determining Existence of Trust filed 7-30-13 orders that Dana T. Kahler provide a true and correct copy of the trust, including the operative amendments.	Continued from 1-21-14, 2-25-14
Cont. from 012114, 022514		Note: Proposed language ordering Dana T. Kahler to account was stricken from the order.	Minute Order 9-10-13: Mr. Roberts indicates that he will send out the notices to the beneficiaries and complete the administration.
Aff.Sub.Wit.		Minute Order 7-30-13: Mr. Roberts requests a continuance to speak with Dana Kahler. The Court grants the petition and denies the request for an accounting finding that it is premature at this time. Matter is set for Status Hearing on 9/10/13. The Court orders Dana Kahler to be personally present at the next hearing. Dana Kahler is ordered to provide evidence of any notices the he has given and/or other actions he has taken as trustee. In addition, Dana Kahler is ordered to file all documents with this court and provide copies to Mr. Teixeira and Mr. Roberts. Set on 9/10/13 at 9:00am in Dept. 303 for Status Hearing. Petition is granted before Court Trial. Order signed.	Minute Order 10-8-13: Mr. Roberts is appearing via CourtCall. Mr. Teixeira informs the Court that one of the amendments was not signed. Continued to 11-5-13.
Verified			
Inventory		A copy of the minute order was mailed to Attorneys Teixeira and Roberts and to Dana Kahler on 8-5-13.	Minute Order 11-5-13: Mr. Roberts advises the Court that he has the checks for the twenty beneficiaries which will be distributed within a week at which time he can begin working on the accounting. Set on 1-21-14 for Status Re Distribution to Granddaughter's Trust and Status Re Accounting.
PTC			
Not.Cred.		As of 4-11-14, nothing further has been filed.	
Notice of Hrg			
Aff.Mail		Reviewed by: skc	Reviewed on: 4-11-14
Aff.Pub.			
Sp.Ntc.		Updates:	Recommendation:
Pers.Serv.			
Conf. Screen		File 20B – Kasabian	
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			



Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Joaquin, 17		<b>TEMPORARY EXPIRES 04/15/14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Santana, 14			
		<b>LETICIA CORONADO</b> , sister, is Petitioner.	1. Need proof of personal service 15 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Joaquin Valdez (minor) b. Santana (minor)
Cont. from		Father: <b>JESUS VALDEZ</b> - deceased	2. Need proof of service 15 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Bertha Reyes (Maternal Grandmother)
	Aff.Sub.Wit.	Mother: <b>BARBARA REYES DIAZ</b> – personally served on 02/20/14	
✓	Verified	Paternal grandparents: DECEASED	
	Inventory	Maternal grandfather: DECEASED	
	PTC	Maternal grandmother: BERTHA REYES	
	Not.Cred.	<b>Petitioner alleges</b> that the children's mother threw them out. The mother has mental health and drug problems. The children no longer wish to live with their mother.	
✓	Notice of Hrg	<b>Court Investigator Jennifer Daniel's report filed 04/10/2014.</b>	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 04/14/2014
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 21 – Valdez</b>



<b>Ruby Isela, age 10</b>		<b>MARIA ARACELI CHAVEZ</b> , mother, was appointed as Guardian of the Estate of Esmeralda B. Mendez in 09CEPR00717 and as Guardian of the Estate of Ruby Isela Mendez Chavez in 09CEPR00895 on 1-6-10.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 3-4-14</b>  <b>Minute Order 3-4-14:</b> No appearances. The Court directs a copy of the examiner notes be sent to Maria Chavez. Matter continued to 4-15-14. Maria Chavez is ordered to be personally present on 4-15-14 if the accounting is not filed.  Copies of the minute order and Examiner Notes were mailed to Ms. Chavez on 3-6-14.  As of 4-11-14, nothing further has been filed.  1. Need Second Accounting or written status report.
<b>Cont. from 030414</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	The First Account was settled on 3-7-12 and the Court set this status hearing for the filing of the next account.	
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 4-11-14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 23 – Chavez</b>

25 **Leroy Graves (Estate)**  
 Atty Graves, Elgeron (Pro Per – Co-Petitioner – Son)  
 Atty Myles, Dale (Pro Per – Co-Petitioner – Daughter)  
 Atty Atkinson, Elvie Alene (Pro Per – Co-Petitioner – Daughter)

Case No. 14CEPR00164

**Petition for Letters of Administration (Prob. C. 8002, 10450)**

<b>DOD: 07/16/2002</b>		<b>ELGERON GRAVES, DALE MYLES, and ELVIE ALENE ATKINSON</b> , children, are petitioners and request that <b>ELGERON GRAVES</b> be appointed as Administrator.  All heirs waive bond  Limited IAEA – o.k.  Decedent died intestate  Residence: Fresno Publication: The Fresno Bee	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need date of death of the deceased spouse pursuant to Local Rule 7.1.1D.  <b>Note: If the petition is granted status hearings will be set as follows:</b>  • <b>Friday, 09/19/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u>  • <b>Friday, 06/19/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<b>Cont. from 040114</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Probate Referee: Steven Diebert	Reviewed by: LV Reviewed on: 04/11/2014 Updates: Recommendation: File 25 – Graves
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 12/07/2013</b>		<b>THOMAS BRESSLER</b> , son/named executor without bond, is petitioner.  Full IAEA - ?  Will dated: 05/10/1993  Final Inventory and Appraisal filed 03/11/2014  Residence: Fresno Publication: Need  <u><b>Estimated value of the Estate:</b></u> Personal property      \$80,114.74 Real property            \$130,000.00 <b>Total                            \$210,114.74</b>  Probate Referee: Rick Smith	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
			<b>The deficiencies with the pleadings include, but are not limited to the following:</b>  1. Copy of the Will is not attached to the petition as required.  2. Need date of death of the deceased spouse pursuant to Local Rule 7.1.1D.  3. Will lists a deceased child, Susan Bressler, however this person is not listed on #8 of the petition. Need date of death of the deceased child, Susan Bressler, pursuant to Local Rule 7.1.1D  4. #5a(3) or #5a(4) was not answered regarding a registered domestic partner.  5. Need Duties and Liabilities.  6. Need Confidential Supplement to Duties & Liabilities of Personal Representative.  7. Need Affidavit of Publication.  8. Need Notice of Petition to Administer Estate.  9. Need proof of service of the Notice of Petition to Administer Estate on: <ul style="list-style-type: none"> <li>Sally Bressler</li> <li>Derek Weibel</li> </ul> 10. Need Letters.  11. Need Orders.  <b>Note: If the petition is granted status hearings will be set as follows:</b>  <ul style="list-style-type: none"> <li><b>Friday, 06/19/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<b>Verified</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Inventory</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>PTC</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Not.Cred.</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Notice of Hrg</b>		<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Aff.Mail</b>		<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Aff.Pub.</b>		<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Pers.Serv.</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Conf. Screen</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Letters</b>		<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Duties/Supp</b>		<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Objections</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Video Receipt</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>CI Report</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>9202</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Order</b>		<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Aff. Posting</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Status Rpt</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>UCCJEA</b>		<input type="checkbox"/>	
<input type="checkbox"/>	<b>Citation</b>	<input type="checkbox"/>		
<input type="checkbox"/>	<b>FTB Notice</b>	<input type="checkbox"/>		
		<b>Reviewed by:</b> LV		
		<b>Reviewed on:</b> 04/14/2014		
		<b>Updates:</b>		
		<b>Recommendation:</b>		
		<b>File 26 – Bressler</b>		

<b>DOD: 04/09/12</b>	<b>SCOTT WORTHINGTON</b> , son, filed a Petition for Probate on 04/18/13, seeking to admit decedent's will to probate and be appointed as Executor without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  This matter to be heard at 10:00am  <u>CONTINUED FROM 02/27/14</u> As of 04/11/14, nothing further has been filed in this matter.  1. Need Settlement Agreement and/or Status Update Report.
<b>Cont. from 022714</b>	<b>CYNTHIA SCHMIDT</b> , daughter, filed an Objection to Petition for Probate of Will on 05/29/13.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	The parties participated in a settlement conference on 01/13/14. <b>Minute Order from 01/13/14</b> states: Counsel will submit settlement agreement per conference conversation. Status Hearing on 02/27/14, Courtcall allowed.	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 04/11/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 – Worthington</b>

Atty Rube, Melvin K. (for Scott Worthington – son/Petitioner)  
 Atty Ramseyer, Ryan (for Cynthia Schmidt – daughter/Respondent)  
 Atty Kruthers, Heather H. (for Public Guardian)

## Status Hearing Re: Settlement Agreement

Celia DOD: 04/09/12	<p><b>SCOTT WORTHINGTON</b>, son, filed a Petition to Terminate an Irrevocable Trust on 05/23/13 and set for hearing on 07/15/13.</p> <p>At the 07/15/13 hearing, the Court set the matter for a settlement conference on 08/12/13.</p> <p><b>Minute Order</b> from settlement conference on 08/12/13 states: Parties engage in settlement discussions with the Court. Based on the discussions, the Public Guardian is appointed for the benefit of Fred Worthington. The Court directs the Public Guardian to meet with Fred Worthington and speak with counsel regarding an evaluation to determine the appropriate level of care for him. The Court obtains consent from all counsel to engage in ex parte communications with the Public Guardian. The Court directs that a list of items be prepared within two weeks and an order as set forth be prepared by counsel. The Court sets a Status Hearing for the Public Guardian on 09/09/13. The Court indicates for the minute order that Mr. Dornay's presence will not be required on 09/09/13. The Court will expect appropriate status reports to be filed for the upcoming hearings.</p> <p><b>Minute Order from status hearing on 09/09/13 states:</b> Mr. Picone is appearing via Courtcall. Mr. Picone informs the Court that his client has complied with the requirements thus far. Ms. Kruthers informs the Court that the Public Guardian believes Fred Worthington's needs can be taken care of at home, but trust funds would be needed. The Court is satisfied with the report from the Public Guardian. The Court thanks the Public Guardian for their services in this matter. The Court orders that Fred Worthington not be moved without a prior court order.</p> <p><b>Minute Order from further settlement conference on 01/13/14 states:</b> Counsel will submit settlement agreement per conversation. Status Hearing on 02/27/14, Courtcall allowed.</p> <p style="text-align: right;">Continued on Page 2</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>This matter to be heard at 10:00am</b></p> <p><b>CONTINUED FROM 02/27/14</b>  <b>As of 04/11/14, nothing further has been filed in this matter.</b></p> <p><b>Note:</b> Public Guardian filed a Petition for Fees that was granted on 12/09/13. The Petition for Fees was filed without payment of a filing fee. Minute Order from hearing on 12/09/13 ordered that the Trustee of the Trust was to pay the filing fees. As of 04/11/14, the filing fees have not been paid and the Order for Fees has not been signed.</p> <p>1. Need Settlement Agreement and/or Status Update Report.</p> <p><b>Note to Judge:</b> the Order for Fees for the Public Guardian and her attorney is in the file for signature, however, because the filing fees have not been paid, the order should not be signed yet.</p>
Cont. from 022714		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 04/11/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 – Worthington</b></p>

**Status Conference Statement of Petitioner Scott J. Worthington** filed 02/25/14 states:

1. A settlement conference was held in this matter on 01/13/14. The parties are to submit a settlement agreement, and are still working on that agreement. The Settlement agreement is to include, but is not limited to the following:
  - a. The appointment of a neutral successor trustee to administer the assets of the Trust. Bruce Bickel has agreed to act as the successor trustee for the trust.
  - b. The transfer of Bank of America Acct. ending in 3121, amounting to approximately \$211,000.00 (the sole asset of Fresno County Superior Court Case No. 13CEPR00336) into *The Worthington Family Grantor Trust dated 12/28/11* (the "Trust").
  - c. All assets of Trust, including the residence located at 22561 Auberry Road, Auberry, CA are to be administered for the benefit of Frederick A. Worthington.
  - d. The successor trustee is to select the contractor from the bids submitted to make the necessary repairs to the residence located at 22561 Auberry Road, Auberry, CA so that Frederick Worthington can live at the residence with in-home care. The costs of the repairs are to be paid out of the assets of the Trust.
  - e. Frederick Worthington will require in home care services while he resides at the residence located at 22561 Auberry Road, Auberry, CA. In home care services are to be provided on a 24-hour basis for seven days a week. Said in home care services are to be paid with any income earned by Frederick Worthington while he resides at the Auberry residence and out of the Trust.
  - f. The successor trustee shall select the in-home care provider to provide the in home care services required for Frederick Worthington.
  - g. Petitioner shall be responsible for moving Frederick Worthington into the Auberry residence once the necessary repairs have been made.
  - h. The successor trustee shall take possession of all tangible and intangible personal property of Frederick Worthington currently in the possession of petitioner and respondent and deliver said property to Frederick Worthington.
2. Although certain items of tangible personal property have been returned to Frederick Worthington by Respondent, Cynthia Schmidt, according to petitioner, Scott Worthington, the following items of tangible and intangible personal property have not been returned:
  - a. The *Certificate of Crossing the Equator*.
  - b. The Merchant Marine ring from WWII.
  - c. The matching rings worn by Frederick Worthington and his brother.
  - d. Celia Worthington's ashes.
  - e. The glass figurines that were on the fireplace mantle.
  - f. The family photo album of Frederick Worthington's family.
  - g. Some old plates in a wooden box.
  - h. Three butterfly trays.
  - i. A life insurance policy belonging to Frederick Worthington.
  - j. Military dog tags belonging to Frederick Worthington.
3. Petitioner is also concerned that Cynthia Schmidt has not accounted for or provided an explanation for the following:
  - a. Bank of America CD ending in 1508 held in the name of Celia Worthington and having a value of \$35,135.26 on 02/15/11, which Petitioner believes was not added to Bank of America Acct ending in 3121 and is not part of the approximately \$211,000.00 held in that account.
  - b. The status of the car owned by Frederick Worthington.



**Dept. 303, 9:00 a.m. Tuesday, April 15, 2014**

**Objection filed 08/07/13** by Christopher Lull, Respondent, states:

1. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
2. Petitioner is not a relative or heir of Debbra L. Winter.
3. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debbra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debbra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
4. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
5. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

**Objector prays for an Order:**

1. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
2. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

**Declaration of Morgan Quail in Support of Objection** filed 08/07/13 states:

1. He is Debbra Winter's nephew and probably one of her closest family members. Debbra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
2. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debbra confided in him and spoke to him about things she might not talk about with others.
3. Approximately 2 years ago on Father's Day, Debbra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
4. At Christmastime later that year, Declarant received a card from Debbra thanking him for the talk on Father's Day.

**Joint Status Report** filed 12/18/13 provides an outline/summary of the petitions filed in this matter.

**First Amended Objection to Petition to Determine Title to and Require Transfer of Property to Trust** filed 01/07/14 states:

1. Objector, Christopher Lull, is the son of Debbra L. Winter, deceased, who is the co-settlor and the successor trustee of the STEPHAN F. WINTER and DEBBRA L. WINTER REVOCABLE TRUST (the "Trust") dated 02/16/94.
2. Decedent, Debbra Winter ("Debbra") and her husband Stephan F. Winter ("Stephan") created the Trust dated 02/16/94 in which they were both named as settlors and co-trustees. A purported Amendment to the Trust was executed on 09/14/02.
3. Under the terms of the Amendment, the successor trustee, upon the death of the first of Stephan and Debbra, was named as Dennis Freeman. Further, on the death of the surviving spouse/settlor, the estate was to be distributed to Dennis Freeman, if living, and if not, to Morgan Quail.

**Continued on Page 3**

4. The purported Amendment to the Trust was not a true and voluntary expression of testamentary intent of the co-settlor and co-trustee, Debbra Winter, but was a result of the control, demands, and undue influence of Stephan F. Winter, Debbra's spouse.
5. Stephan, taking advantage of the confidential and fiduciary relationship between him and his spouse, Debbra, and by reason of the trust and confidence so reposed in Stephan by Debbra, was able to and did influence and control the mind and actions of Debbra and induce her to sign the purported Amendment to the trust which provided, among other things, that all of the assets of the Trust be distributed upon the death of the surviving spouse to Dennis Freeman, who is unrelated to Debbra, and is a cousin of Stephan.
6. Prior to signing the Amendment, Stephan exhibited animosity and opposition to Objector, who is the only child and natural heir of Debbra, and attempted to, and did, alienate Debbra from Objector and induced her to sign the purported Amendment to the Trust excluding Objector as a beneficiary of the Trust, contrary to the terms of the initial Trust dated 02/16/94. As a result of the undue influence, pressure, and control by Stephan, and the alienation that he induced between Debbra and Objector, the Amendment dated 09/14/02, was not the true intent and testamentary wish of Debbra, but was that of her husband, Stephan.
7. After Stephan's death in 2005, Debbra stated her wish, and as so expressed to her family members, including her nephew, Morgan Quail, and her sister, Catherine Quail, that she did not intend to leave her estate, or any part of it, to Dennis Freeman; however, she was unaware of how and what manner to change the disposition and the purported Amendment to the Trust. Debbra was under the mistaken belief that the mere destruction of the Amendment, by tearing it up, resulted in the revocation of the Amendment and would therefore result in the original Trust agreement expressing her true intentions, which included her plan to bequeath and devise all of her trust assets to her direct heirs, including her son, Objector, Christopher Lull. Debbra was unable to do so at the time she signed the Amendment because she was wholly under the influence of Stephan, who proposed and dictated to Debbra the purported Amendment to the Trust. As a result, the Amendment was not the true and voluntary act of Debbra, but was procured as the result of the undue and unreasonable influence and control of Stephan and the mistaken belief thereafter of Debbra that she had taken appropriate actions to restore her true testamentary intent, as expressed in the initial Trust Agreement dated 02/16/94.

**Objector, Christopher Lull prays for an Order:**

1. Denying the Petition; determining that the purported Amendment to the Trust dated 09/14/02 is not the true testamentary intent of Debbra Winter; and that the terms and conditions of the trust are those set forth in the original testamentary instrument designated the "Trust Agreement" signed 02/16/94.

**Petition to Determine Title to and Require Transfer of Property to Trust Regarding  
Bank Account [Prob. C. 850(a)(2)(3), 855, 17200(b)(6)]**

<b>Stephan DOD:</b> 08/09/05	<b>DENNIS FREEMAN</b> , successor trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Debbra DOD:</b> 05/13/13	<b>Petitioner states:</b>	
	7. Stephan F. Winter and Debbra L. Winter ("Settlers") executed the Stephan F. Winter and Debbra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.	
<b>Cont. from 081213, 102113, 112013, 120913, 010614, 012814, 031014</b>	8. Petitioner is the currently acting successor trustee of the Trust.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	9. This petition concerns the ownership of Bank of America account no. xxxx xxxx 3919 with a balance of over \$565,000 which was an asset of the Trust.	
<input checked="" type="checkbox"/> <b>Verified</b>	10. Petitioner is informed and believes that Respondent, Christopher Lull, presented Bank of America on or about June 26, 2013 the original 02/16/94 Trust without including the 09/14/02 amendment and wrongfully obtained the balance of the Bank of America Account.	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

**DENNIS FREEMAN**, successor trustee, is Petitioner.

**Petitioner states:**

7. Stephan F. Winter and Debbra L. Winter ("Settlers") executed the Stephan F. Winter and Debbra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.
8. Petitioner is the currently acting successor trustee of the Trust.
9. This petition concerns the ownership of Bank of America account no. xxxx xxxx 3919 with a balance of over \$565,000 which was an asset of the Trust.
10. Petitioner is informed and believes that Respondent, Christopher Lull, presented Bank of America on or about June 26, 2013 the original 02/16/94 Trust without including the 09/14/02 amendment and wrongfully obtained the balance of the Bank of America Account.

**Petitioner prays for an Order:**

1. Declaring that Petitioner is the sole owner of the funds in Bank of America account no. xxxx xxxx 3919 and the sums wrongfully removed from said account and that Respondent has no interest in the account or the balance of the account;
2. Directing Respondent to immediately deliver the amounts removed from the account to Petitioner;
3. Directing Respondent to pay Petitioner's attorney's fees and costs; and
4. Awarding Petitioner with exemplary damages against Respondent according to proof.

**Continued on Page 2**

**NEEDS/PROBLEMS/COMMENTS:**

**This matter to be heard at 10:30am**

**Continued from 03/10/14**

**Reviewed by:** JF

**Reviewed on:** 04/11/14

**Updates:**

**Recommendation:**

**File 1B – Winter**

**Objection filed 08/07/13** by Christopher Lull, Respondent, states:

6. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
7. Petitioner is not a relative or heir of Debbra L. Winter.
8. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debbra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debbra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
9. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
10. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

**Objector prays for an Order:**

3. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
4. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

**Declaration of Morgan Quail in Support of Objection** filed 08/07/13 states:

5. He is Debbra Winter's nephew and probably one of her closest family members. Debbra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
6. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debbra confided in him and spoke to him about things she might not talk about with others.
7. Approximately 2 years ago on Father's Day, Debbra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
8. At Christmastime later that year, Declarant received a card from Debbra thanking him for the talk on Father's Day.

**Petition to Determine Title to; Require Transfer to and Impose Constructive Trust  
Over Property [Prob. C. 850(a)(2), (3), 855, 17200(b)(6)]**

<b>Stephan DOD:</b> <b>08/09/05</b>		<b>DENNIS FREEMAN</b> , successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>This matter to be heard at 10:30am</b>  <u><b>CONTINUED FROM 03/10/14</b></u>	
<b>Debbra DOD:</b> <b>05/13/13</b>				
<b>Cont. from 120913, 010614, 012814, 031014</b>		<b>Petitioner states:</b> 1. Stephan F. Winter and Debbra L. Winter ("Settlers") executed the Stephan F. Winter and Debbra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02. 2. Stephan Winter died 08/09/05 and Debbra Winter died 05/13/13. Petitioner is the named successor trustee of the Trust. On 08/30/13, the Court appointed Bruce Bickel as temporary trustee of the Trust. 3. This Petition concerns the conversion of Bank of America account ending in 3919 with a balance of over \$565,000.00 which was an asset of the Trust. Petitioner alleges that Respondent, Christopher Lull, removed the entire balance of the Bank of America account on or about 06/26/13 and transferred it to his personal account. Petitioner alleges that, among other things, Christopher Lull used \$125,000.00 of the wrongfully obtained funds to pay down a promissory note and deed of trust on his personal residence. These funds were paid to First Northern Bank of Dixon, California on or about 01/27/13. 4. <u>Constructive Trust</u> . The real property which was subject to the promissory note and deed of trust that Christopher Lull applied \$125,000.00 in payment is located on Ophir Road in Auburn, CA (legal description provided).  <b>Petitioner prays for an Order:</b> 1. Declaring that Respondent Christopher Lull holds in constructive trust the real property on Ophir Road in Auburn, CA, described in the Petition; 2. Authorizing the temporary trustee to take possession of and sell the real property described above to recover the \$125,000.00 plus attorneys' fees and costs in so doing; 3. Directing Respondent to pay Petitioner his attorneys' fees and costs; and 4. Awarding Petitioner with exemplary damages against Respondent according to proof.		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
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<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input checked="" type="checkbox"/>	<b>Response</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

**Continued on Page 2**

**Response to Petition to Determine Title To, Require Transfer to and Impose Constructive Trust Over Property** filed 12/06/13 by Respondent, Christopher Lull, states:

1. Respondent admits that the STEPHAN F. WINTER AND DEBBRA L. WINTER REVOCABLE TRUST was created on 02/16/94 by Stephan and Debbra Winter.
2. Respondent denies that the Amendment dated 09/14/02 is a valid and effective trust document, or "Amendment" and that said Amendment does not reflect the true intent of the co-settlor and trustee, Debbra Winter.
3. Respondent denies the validity of the purported "Amendment" and, therefore, denies that Dennis Freeman is a successor trustee of the Trust.
4. Respondent denies that Fresno County is the proper venue for this action. And states that as successor trustee of the Trust the appropriate venue for this action should be in Sacramento County pursuant to Probate Code § 17002(b)(1).
5. Respondent admits that the Bank of America account described in the Petition was an asset of the Trust. Respondent denies that he has "wrongfully" taken or converted any sums from said account, or any other asset of the alleged trust, as said Amendment to the Trust is invalid and ineffective, and that the Trust, therefore, provides that Respondent is the sole successor trustee and beneficiary of the Trust.
6. Respondent admits that he has an interest in real property in Auburn, CA described in the Petition, but denies that there is any wrongful application of funds for any payment on that real property.

**Affirmative Defenses:**

1. The Petition fails to state facts sufficient to constitute a valid cause or causes of action against Respondent.
2. There is no basis for a "constructive trust" over the real property described in the Petition in that said real property is not, and was not, an asset of the Trust and thereby the remedy of "constructive trust" is not available under Civil Code §§ 2223 and 2224 as the Trust has not right, title, claim, or interest in the real property. (Citation provided)
3. The Petition has no ground to assert, nor is it alleged, that there is any basis for a claim of "exemplary damages".
4. The Petitioner fails to allege any statutory grounds, or any other legal right, for attorney's fees in the filing of this Petition and that attorney's fees are not recoverable to the Petitioner pursuant to Civil Code § 1021 and 1026.

**Respondent prays for an Order:**

1. That the Petition and each claim therein be dismissed against Respondent and that Petitioner take nothing by reason of his complaint; and
2. For costs incurred herein.

**Status Hearing**

Stephan DOD: 08/09/05		<p>The following petitions have been filed or are pending in this matter:</p> <ol style="list-style-type: none"> <li><b>Petition to Determine Title To and Require Transfer of Property to Trust</b> (Page 1A)</li> <li><b>Petition to Determine Title To and Require Transfer of Property to Trust re Bank Account</b> (Page 1B)</li> <li><b>Notice of Hearing on Demurrer and Demurrer of Respondent Dennis Freeman to Petition to Determine Validity of Purported Trust, for Order Determining Interest in Trust Property and for Reformation; Memorandum of Points and Authorities in Support of Demurrer to Petition Without Leave to Amend</b> (The Court adopted the Tentative Ruling on 03/10/14)</li> <li><b>Notice of Motion and Motion for Judgment on the Pleadings</b> (The Court adopted the Tentative Ruling on 03/10/14)</li> <li><b>Petition to Determine Title To; Require Transfer To and Impose Constructive Trust Over Property</b> (Page 1C)</li> <li><b>Petition to Compel Christopher Lull to Redress Breach of Trust by Payment of Money or Otherwise and for Double Damages</b> (Page 1E)</li> <li><b>Petition to Determine Validity of Purported Trust, for Order Determining Interest in Trust Property and for Reformation</b> (filed by Respondent Christopher Lull, Page 1F; <u>Note to Judge</u>: Research attorney to provide memo it appears that this Petition may have been addressed in the tentative ruling; Petitioner Lull has filed a First Amended Petition – set for hearing on 05/19/14)</li> <li><b>Order to Show Cause Re Contempt</b> filed by Dennis Freeman – Page 1G)</li> <li><b>Notice of Motion for Order Compelling Responses to Form Interrogatories</b> (filed by Dennis Freeman – Page 1H)</li> </ol>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
Debbra DOD: 05/13/13			This matter to be heard at 10:30am	
Cont. from 010614, 012814, 031014				
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting			Reviewed by: JF	
Status Rpt			Reviewed on: 04/11/14	
UCCJEA			Updates:	
Citation			Recommendation:	
FTB Notice			File 1D – Winter	

**1D**



Atty Pape, Jeffrey B. (for Dennis Freeman – Successor Trustee – Petitioner)

Atty Shahbazian, Steven L. (for Christopher Lull – Respondent and Objector)

**Petition to Compel Christopher Lull to Redress Breach of Trust by Payment of Money or Otherwise and for Double Damages**

Stephen Winter DOD: 8-9-05		<b>DENNIS FREEMAN</b> , Successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Debra Winter DOD: 5-13-13			
		<b>Petitioner states:</b> Petitioner Dennis Freeman is the sole beneficiary and named successor trustee of the trust pursuant to the 9-14-02 amendment. However, Respondent <b>CHRISTOPHER LULL</b> , with full knowledge of said trust amendment, wrongfully exercised powers under the trust instrument as the purported trustee as described below. On 8-30-13, the Court appointed <b>BRUCE BICKEL</b> as temporary trustee pending resolution of these matters.	<b>This matter to be heard at 10:30am</b>
Cont. from 012814, 031014		Petitioner states Respondent wrongfully procured Bank of America account xx3919 with a balance of over \$565,000, which was an asset of the trust, removed the entire balance on or about 6-26-13, and transferred it to a new trust account at Bank of America naming himself as trustee, without including the 9-14-02 amendment for the bank, in furtherance of his scheme. Petitioner states Respondent then transferred the money belonging to the trust to a personal bank accounts at Bank of America, Chase Bank, and/or business accounts at First Northern Bank of Dixon, California and paid a number of personal debts and/or non-trust related expenditures all to benefit himself. See list provided in petition.	<b>CONTINUED FROM 03/10/14</b>
<input type="checkbox"/>	Aff.Sub.Wit.	Petitioner states on or about 8-8-13, this Court ordered Respondent to preserve the assets of the trust. On 10-15-13, Respondent testified that all of the trust assets have been spent, based on his name is the only one in the trust. Petitioner states that as of 8-8-13, Respondent still had at least \$377,500 of trust funds on deposit in his personal and business accounts. These sums were still trust assets despite his efforts to conceal these monies. This was an egregious and intentional violation of the Court's order and was done for the sole purpose of defeating the recovery of the trust assets from him.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
<b><u>SEE ADDITIONAL PAGES</u></b>			

**Reviewed by:** JF

**Reviewed on:** 04/11/14

**Updates:**

**Recommendation:**

**File 1E - Winter**

## Page 2

**Petitioner states** Respondent was ordered on 8-30-13 to provide an accounting of the expenditure of the trust funds by him. He has refused and continues to refuse to do so consistent with his efforts to abscond with the trust funds.

**Petitioner prays for an order as follows:**

1. **Ordering Christopher Lull to redress the breaches of trust described above by payment of all sums wrongfully misappropriated from the trust and reimbursing the trust for all losses occasioned by his wrongful actions;**
2. **Surcharging Christopher Lull twice the value of the property wrongfully misappropriated from the trust according to proof pursuant to Probate Code §859;**
3. **For attorneys' fees;**
4. **For costs herein;**
5. **For such orders as the Court deems necessary and proper.**

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**Response and Objection filed 1-17-14 by Christopher Lull states:**

Respondent denies that Petitioner is the successor trustee of the trust and denies that he "wrongfully exercised" the powers under the trust instrument identified as the "Winter Trust dated February 16, 1994." Respondent is the rightful successor trustee of said trust.

Respondent further denies that Fresno County is the appropriate venue for this proceeding and that the appropriate venue is the County of Placer.

Respondent denies that he has wrongfully procured any funds from the trust and that under the terms of the trust he is the rightful successor trustee and beneficiary. Further the allegations in Paragraph 6 are defective and should be stricken as material matters alleged on hearsay information not within Petitioner's personal knowledge. Authority provided.

Respondent denies he has "wrongfully" taken or "absconded" with assets of the trust and alleges that he is the successor trustee and beneficiary. Further, any said claims of violation of the trust, or wrongful misappropriation of trust funds pursuant to §850(a)(3) are insufficient and premature. Objection and a request to strike is hereby made to the recitation of testimony at a prior hearing by the respondent as the Court has made no final judgment or order in these matters; therefore, such testimony should not be considered by the Court, or receive judicial notice under Evidence Code §452, as such testimony is not an order, finding of fact or judgment of the court. Authority provided.

Respondent alleges there are not sufficient grounds for "surcharging" the responding party herein for "double damages" as there has not been any "bad faith" wrongful taking by this responding party.

Respondent further objects to any claim for "attorney's fees." There are no grounds alleged to claim same and this action is subject to the provisions of Civil Code §1021.

**Respondent prays that the petition to "redress breach of trust" be dismissed; that none of the relief as requested therein be granted; for costs of suit incurred.**

**Atty      Pape, Jeffrey B. (for Dennis Freeman – Respondent to this Petition)**

**Atty      Shahbazian, Steven L. (for Christopher Lull – Petitioner)**

**Petition to Determine Validity of Purported Trust, for Order Determining Interest in Trust Property and for Reformation**

Stephan DOD: 08/09/05		<b>NEEDS/PROBLEMS/COMMENTS:</b>  This matter to be heard at 10:30am  First Amended Petition to Determine Validity of Purported Trust, For Order Determining Interest in Trust Property and For Revocation of Trust Amendment filed 04/03/14 and set for hearing on 05/19/14.
Debbra DOD: 05/13/13		
Cont. from 012814, 031014		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 04/11/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 1F – Winter</b>

**Order to Show Cause Re Contempt**

<b>Stephan DOD:</b> <b>08/09/05</b>		<b>DENNIS FREEMAN</b> , is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>This matter to be heard at 10:30am</b>  <b><u>CONTINUED FROM 03/10/14</u></b>
<b>Debbra DOD:</b> <b>05/13/13</b>			
<b>Cont. from 012814, 031014</b>		<b>Order to Show Cause re Contempt</b> orders Christopher Lull to appear on 03/10/14 at 9:00 am in Dept. 303 to show cause why he should not be adjudged to be in contempt of court and punished accordingly for wilfully disobeying the orders of this Court made on 08/12/13 and 08/30/13.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>	<b>Proof of Service</b> filed 02/27/14 states that a copy of the Order to Show Cause Re Contempt and Declaration Re Contempt were served on attorney Steven Shahbazian on behalf of his client, Christopher Lull, on 02/27/14. Service on the attorney was approved by Order of this Court on 02/24/14.	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	<b>Respondent Christopher Lull's Objections to Contempt Citation and Memorandum of Points and Authorities</b> filed 04/10/14 states:	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	1. There is no indication that the Respondent had knowledge of either of the orders cited such that he could comply with the orders. The docket entries in this case show that on 09/09/13, an "Order to Show Cause for Christopher Lull" was issued by this court and thereafter, on 09/18/13, the entry states "Returned mail – no address found". Thereafter on 10/11/13, the docket entry states "Returned mail from Court" and that the Court's notice was "returned by Post Office with forwarding address". The notice was thereafter re-mailed to a new address. By declaration filed 10/21/13, Christopher Lull stated that he never received mail at the addresses noted and provided his correct mailing address.	
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>	Continued on Page 2	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 04/11/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 1G – Winter</b>
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**1G**

2. In reference to the 08/12/13 order, the petition filed 07/02/13 requests that ownership of "Bank of America account ending in 3919" be held as an asset of the trust. The minute order entered 08/12/13 speaks only of the "assets referred to as the Bank of America account". The Contempt citation itself confirms that there were no funds remaining in the specific bank account at Bank of America (#3919) at the time of the hearing on 08/12/13. The "Declaration Re Contempt" alleges that Christopher Lull has disobeyed the 08/12/13 order insofar as he transferred over \$375,000.00 of Trust money to a Bank of America account he opened on 06/28/13 in his name. The only allegation of the use of monies, therefore, is the use of monies in another bank account (supposedly Mr. Lull's personal account) and not the Bank of America trust account (#3919). Based on the charging document, the declaration is clear that there was no money in the specific Bank of America account (#3919), that was labeled the "trust account" and "trust asset" at the time the order was made on 08/12/13. Therefore Lull simply had no ability to "comply" with the order regarding account #3919.
3. In reference to the 08/30/13, that order was for Lull to "account to the temporary trustee and Dennis Freeman within thirty (30) days" of the order. Such order was not entered until 09/10/13 [Nunc Pro Tunc (effective) as of 08/30/13]. The declaration of contempt actually concedes that Lull would not have had actual notice of the foregoing order until October 15, 2013 when he was in court on a difference Citation and hearing. Additionally, the "Application for Appointment of Temporary Trustee" (filed on 08/23/13) requested that Bruce Bickel be appointed as "temporary trustee" of the trust, and that any assets of the trust be turned over to Mr. Bickel. By the direct wording of such request and order, Mr. Bickel was the only person to whom the assets would have been "turned over" and the only person to whom an "accounting" should have been due. Mr. Freeman had no standing to request an accounting to him as he was neither the appointed trustee nor the temporary trustee. In this part of the proceeding, the real party in interest, Bruce Bickel, as temporary trustee, has not filed an action seeking an accounting or "to turn over" any assets to him. Since it is the authority and duty of Bruce Bickel to proceed to collect the assets, he would be the "real party in interest" pursuant to CCP §367 to whom the right to bring an action for contempt would repose and not a petitioner/interested party, being Mr. Freeman. Therefore, the attempt to enforce the order of 08/30/13 by use of this contempt action by Freeman on behalf of an appointed and acting trustee should be denied.

**Notice of Motion for an Order Compelling Responses to Form Interrogatories**

		<p><b>DENNIS FREEMAN</b>, Successor Trustee, is Petitioner.</p> <p><b>Petitioner states</b> Respondent <b>CHRISTOPHER LULL</b> has failed to file a timely response to Form Interrogatories and no extension of time has been requested or granted.</p> <p>Petitioner moves the Court pursuant to CCP §§ 2030.290(a), 2030.290(b) for an order compelling Respondent to provide responses without objection to Form Interrogatories.</p> <p>Petitioner also seeks monetary sanctions against Respondent in the amount of \$547.50 pursuant to CCP §§ 2030.290(c), 2031.300(c), and 2033.280(c).</p> <p>See Memorandum of Points and Authorities in support of this motion filed 02/26/14</p> <p>Declaration of Jeffrey B. Pape in support of this motion filed 02/26/14 provides a timeline of the events leading to this motion and states the \$547.50 includes 1.5 attorney hours for preparation of this motion, plus the \$60.00 filing fee.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>This matter to be heard at 10:30am</b></p> <p><b><u>CONTINUED FROM 04/08/14</u></b></p> <p>1. Notice of Hearing was personally served on the Law Office of Steven Shahbazian. Also need proof of service by mail on the Respondent directly.</p>				
<b>Cont. from 040814</b>							
	<b>Aff.Sub.Wit.</b>						
✓	<b>Verified</b>						
	<b>Inventory</b>						
	<b>PTC</b>						
	<b>Not.Cred.</b>						
✓	<b>Notice of Hrg</b>						
	<b>Aff.Mail</b>						
	<b>Aff.Pub.</b>						
	<b>Sp.Ntc.</b>						
✓	<b>Pers.Serv.</b>			w/			
	<b>Conf. Screen</b>						
	<b>Letters</b>						
	<b>Duties/Supp</b>						
	<b>Objections</b>						
	<b>Video Receipt</b>						
	<b>CI Report</b>						
	<b>9202</b>						
✓	<b>Order</b>						
	<b>Aff. Posting</b>						
	<b>Status Rpt</b>						
	<b>UCCJEA</b>						
	<b>Citation</b>						
	<b>FTB Notice</b>						
<table border="1"> <tr> <td><b>Reviewed by:</b> JF</td> </tr> <tr> <td><b>Reviewed on:</b> 04/11/14</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 1H – Winter</b></td> </tr> </table>			<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 04/11/14	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 1H – Winter</b>
<b>Reviewed by:</b> JF							
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<b>Updates:</b>							
<b>Recommendation:</b>							
<b>File 1H – Winter</b>							

1H